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September 28, 2020

Via ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) respectfully requests leave to supplement the record on one factual point disputed by the parties in their letters regarding their respective proposals for the sequencing and logistics of the depositions subject to Your Honor’s Order dated August 27, 2020. *See* ECF Nos. 6465, 6466, 6469, 6470.

Saudi Arabia’s September 22 letter cited New York State regulatory guidance providing that all travelers to New York from countries designated a “Level 3” risk by the Centers for Disease Control and Prevention (“CDC”), including Saudi Arabia, would be required to quarantine for 14 days. ECF No. 6465 at 2 & n.3. The Plaintiffs’ Executive Committees (“Plaintiffs”) contended in response that the guidance Saudi Arabia cited is “outdated” and “wrong,” and that any witnesses traveling from Saudi Arabia to New York for depositions would not be required to quarantine. ECF No. 6470 at 2. In support of that contention, Plaintiffs claimed that “in August 2020, New York announced that it would follow the federal guidelines for international travelers established by the [CDC],” which “allow travelers from the Kingdom without any quarantine.” *Id.* Plaintiffs did not provide a citation to any such announcement.

After reviewing Plaintiffs’ contention, counsel for Saudi Arabia contacted the New York State Department of Health’s Coronavirus Hotline (1-888-364-3065) to confirm New York’s current quarantine requirements. Counsel were informed that any person traveling to New York from *any* other country, including Saudi Arabia, is currently required to quarantine for 14 days. The attached sworn declaration confirms this conversation.

Plaintiffs’ claim that New York announced it would follow the CDC’s new travel quarantine guidelines, *see* ECF No. 6470 at 2, is also contradicted by publicly reported statements from Governor Cuomo. On August 21, 2020, the CDC rescinded its prior

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

Hon. Sarah Netburn
September 28, 2020
Page 2

recommendation for all international travelers to quarantine for 14 days upon arriving in the United States.¹ On August 26, 2020, however, Governor Cuomo stated: “We’re not going to follow the CDC guidance.”² He specifically criticized the CDC for “d[oin]g a 180 on the quarantine rule, where now they [CDC] say you don’t have to quarantine if you’re coming in from a country that is a hotspot,” calling that change “wholly indefensible, on its face.”³

Saudi Arabia has had no previous opportunity to respond to Plaintiffs’ assertion about current New York regulatory policy, which Plaintiffs did not make during meet and confer discussions and did not make in their opening letter. Further, Plaintiffs’ assertion, if credited, could materially affect the Court’s views concerning the burden placed on Saudi Arabia’s witnesses by Plaintiffs’ request for an order that those witnesses appear in person in New York. Accordingly, Saudi Arabia respectfully requests that the Court accept this letter.

Respectfully submitted,

/s/ Michael K. Kellogg

Michael K. Kellogg
Counsel for the Kingdom of Saudi Arabia

cc: All MDL Counsel of Record (via ECF)

¹ See, e.g., Shannon McMahon, *CDC drops 14-day self-quarantine recommendation for international and out-of-state travelers*, Wash. Post (Aug. 24, 2020), <https://www.washingtonpost.com/travel/2020/08/24/cdc-drops-14-day-self-quarantine-recommendation-international-out-of-state-travelers/>; *CDC Updates Guidance on Travel During the COVID-19 Pandemic*, Nat’l Law Review (Aug. 27, 2020), <https://www.natlawreview.com/article/cdc-updates-guidance-travel-during-covid-19-pandemic>.

² NY Gov. Andrew Cuomo Conference Call Transcript August 26, <https://www.rev.com/blog/transcripts/ny-gov-andrew-cuomo-conference-call-transcript-august-26>; see also V.L. Hendrickson, *New York will continue mandatory quarantines despite CDC’s changing guidance*, MarketWatch (Aug. 26, 2020), <https://www.marketwatch.com/story/new-york-will-continue-mandatory-quarantines-despite-cdcs-changing-guidance-2020-08-26>

³ NY Gov. Andrew Cuomo Conference Call Transcript August 26, <https://www.rev.com/blog/transcripts/ny-gov-andrew-cuomo-conference-call-transcript-august-26>.